

RICHARD F. HOLLEY, ESQ.
Nevada Bar No. 3077
Email: rholley@nevadafirm.com
F. THOMAS EDWARDS, ESQ.
Nevada Bar No. 9549
Email: tedwards@nevadafirm.com
HOLLEY DRIGGS WALCH FINE
WRAY PUZEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: 702/791-0308
Facsimile: 702/791-1912

LANCE N. JURICH, ESQ. (*Admitted Pro Hac Vice*)
California Bar No. 132695
Email: ljurich@loeb.com
LOEB & LOEB, LLP
10100 Santa Monica Boulevard, Suite 2200
Los Angeles, California 90067
Telephone: 310/282-2211
Facsimile: 310/919-3897
Counsel for City National Bank

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re:
CHARLESTON ASSOCIATES, LLC,
Debtor.

CHARLESTON ASSOCIATES, LLC,
Appellant,

vs.

RA SOUTHEAST LAND COMPANY,
LLC; CITY NATIONAL BANK,
Appellees.

Bankruptcy Case No. BK-S-13-10499

Case No.: 2:11-cv-02023-MMD-PAL
Ninth Circuit Court of Appeals No. 13-16698

On appeal from the United States
Bankruptcy Court for the District of Nevada
Adversary Case No.: 10-1452

**[PROPOSED] ORDER GRANTING IN
PART AND DENYING IN PART CITY
NATIONAL BANK'S MOTION FOR
ATTORNEYS' FEES [ECF NO. 115]**

This matter having come before the Court in accordance with an Order of the Ninth Circuit Court of Appeals pursuant 9th Circuit Rule 39-1.8 [ECF No. 110], pursuant to which City National Bank ("CNB") filed its Motion for Attorneys' Fees ("Motion for Attorneys' Fees") on March 16, 2016 [ECF No. 115], by and through its counsel of

1 record, Richard F. Holley, Esq. and F. Thomas Edwards, Esq., of the law firm of Holley
2 Driggs Walch Fine Wray Puzey & Thompson (the “Holley Firm”) and Lance M. Jurich,
3 Esq., of the law firm of Loeb & Loeb, LLP (the “Loeb Firm”). The Court, having
4 reviewed the Motion and all supporting exhibits and declarations attached thereto [ECF
5 No. 115], pursuant to which CNB requested an award of attorneys’ fees totaling
6 \$486,535.65 for attorneys’ fees incurred through February 22, 2016; the Opposition to
7 Motion by City National Bank for Attorneys’ Fees and all supporting exhibits and
8 declarations attached thereto filed by Charleston Associates, LLC, on April 4, 2016 [ECF
9 No. 116]; CNB’ Reply in Support of its Motion for Attorneys’ Fees and all supporting
10 exhibits and declarations attached thereto (the “Reply”), filed April 21, 2016 [ECF No.
11 122]; the Supplemental Declaration of Lance N. Jurich in Support of Motion for
12 Attorneys’ Fees and the supporting exhibits attached thereto, filed May 10, 2016 [ECF
13 No. 127] (the “Jurich Declaration”), pursuant to which CNB requested an award of
14 attorneys’ fees totaling \$39,006.90 with respect to the work done by the Loeb Firm in
15 connection with the Reply; the Third Supplemental Declaration of Richard F. Holley,
16 Esq. and the supporting exhibits attached thereto, filed May 10, 2016 [ECF No. 128] (the
17 “Holley Declaration”), pursuant to which CNB requested an award of attorneys’ fees
18 totaling \$14,546.00 for the work done by the Holley Firm after February 22, 2016 in
19 connection with the Motion; and based upon the pleadings and papers on file herein; and
20 based upon this Court’s Order entered on March 28, 2017 [ECF No. 134], pursuant to
21 which the Court found the attorneys’ fees of CNB’s counsel to be reasonable; and good
22 cause appearing,

23 **IT IS HEREBY ORDERED** that CNB’s Motion for Attorneys’ Fees [ECF No.
24 115] is GRANTED to the extent set forth herein;

25 **IT IS FURTHER ORDERED** that CNB shall be awarded **\$540,088.55** against
26 Charleston Associates, LLC, which award is comprised of attorneys’ fees totaling
27 \$486,535.60 requested in the Motion, attorneys’ fees totaling \$39,006.90 requested in the

Jurich Declaration, and attorneys' fees totaling \$14,546.00 requested in the Holley Declaration, which fees the Court finds to be reasonable; and

IT IS FURTHER ORDERED that CNB's request for the award of attorneys' fees against New Boca Syndications Group ("NBSG") is DENIED, as this Court is not the proper forum to enforce the \$540,088.55 award against NBSG.

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE
DATED: April 19, 2017

Prepared and submitted by:

HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON

/s/ Richard F. Holley
RICHARD F. HOLLEY, ESQ.
Nevada Bar No. 3077
F. THOMAS EDWARDS, ESQ.
Nevada Bar No. 9549
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

LANCE N. JURICH, ESQ. (*Pro Hac Vice*)
California Bar No. 132695
LOEB & LOEB, LLP
10100 Santa Monica Boulevard, Suite 2200
Los Angeles, California 90067
Attorneys for City National Bank

APPROVED / DISAPPROVED
Dated this _____ day of April, 2017

LEWIS ROCA ROTHGERBER, LLP

Robert M. Charles, Jr., NV Bar No. 6593
John E. Bragonje, NV Bar No. 9159
3993 Howard Hughes Pkwy Ste 600
Las Vegas, NV 89169-5996

1 HEJMANOWSKI & MCCREA LLC
Paul R. Hejmanowski NV Bar No. 0094
2 520 South Fourth Street, Suite 320
Las Vegas, NV 89101

3 MUCH SHELIST, P.C.
4 Neal L Wolf
191 North Wacker Dr., Ste. 1800
5 Chicago, IL 60606

6 *Attorneys for Charleston Associates, LLC*

7 ~~APPROVED~~ / **DISAPPROVED**

8 DATED this 12th day of April, 2017.

9 SCHWARTZER & MCPHERSON LAW FIRM

10 /s/ Leonard E. Schwartzer
11 Leonard E. Schwartzer, NV Bar No. 0399
2850 South Jones Blvd., Ste 1100
12 Las Vegas, NV 89146

13 KEMP JONES & COULTHARD

14
15 William S, Kemp NV Bar No. 1205
Nathanael R. Rulis, NV Bar No. 11259
16 3800 Howard Hughes Parkway
Seventeenth Floor
17 Las Vegas, Nevada 89169

18 *Attorneys for RA Southeast Land Company, LLC*

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LOCAL RULE 7-2(f) CERTIFICATE

In accordance with Local Rule 7-2(f), counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

I have delivered a copy of this proposed order to all counsel, and each has approved or disapproved the order, or failed to respond, as indicated below, after three days' passing.

Attorneys for Charleston Associates, LLC

- ☐ Approved
☐ Disapproved. Reason:
☒ Failed to Respond

Attorneys for RA Southeast Land Company, LLC

- ☒ Approved
☐ Disapproved. Reason:
☐ Failed to Respond

DATED this 19th day of April, 2017

HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON

/s/ Richard F. Holley
RICHARD F. HOLLEY, ESQ.
Nevada Bar No. 3077
F. THOMAS EDWARDS, ESQ.
Nevada Bar No. 9549
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

LANCE N. JURICH, ESQ.
(Pro Hac Vice)
California Bar No. 132695
LOEB & LOEB, LLP
10100 Santa Monica Boulevard
Suite 2200
Los Angeles, California 90067

Attorneys for City National Bank

09525-14/1865384.DOCX

CERTIFICATE OF SERVICE

I certify that I am an employee of Holley Driggs Walch Fine Wray Puzey & Thompson, and that, pursuant to Fed. R. Civ. P. 5(b), on the 19th day of April, 2016, I caused the document entitled [PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART CITY NATIONAL BANK'S MOTION FOR ATTORNEYS' FEES [ECF NO. 115] to be served as follows:


- ☐ Personal Service
- ☒ Electronic service via CM/ECF Notice
- ☐ Fax Service
- ☐ Mail Service
- ☐ Overnight Delivery

to the following as addressed below:

Laura J Portillo firm@brinkmanlaw.com
Lenard E. Schwartzer bkfilings@s-mlaw.com
Paul R. Hejmanowski prh@hmlawlv.com, tc@hmlawlv.com
Richard F. Holley rholley@nevadafirm.com, apestonit@nevadafirm.com,
oatamoh@nevadafirm.com, oswibies@nevadafirm.com, usdcecf@nevadafirm.com
Robert M. Charles, Jr RCharles@LRRC.com, BankruptcyNotices@LRRLaw.com
Rosa Solis-Rainey rsr@morrislawgroup.com, paf@morrislawgroup.com,
yg@morrislawgroup.com
Steve L. Morris sm@morrislawgroup.com, paf@morrislawgroup.com
Neal L Wolf nwolf@tetzlafflegal.com, dwolski@tetzlafflegal.com,
jbenson@tetzlafflegal.com
F. Thomas Edwards tedwards@nevadafirm.com, nmoseley@nevadafirm.com,
tnealon@nevadafirm.com, usdcecf@nevadafirm.com
John E. Bragonje JBragonje@lrrc.com, lhorvath@lrrc.com
Vadim Rubinstein vrubinstein@loeb.com
Lance N. Jurich ljurich@loeb.com
Matthew T. Slater mslater@sperling-law.com
Paul E Slater pes@sperling-law.com
Daniel A. Shmikler dshmikler@sperling-law.com

I FURTHER CERTIFY that, on the above date and pursuant to Fed R. Civ. P. 5(b), I deposited for mailing in the U.S. Mail a true and correct copy of the same document, postage prepaid and addressed to:

U.S. Trustee, Las Vegas
300 Las Vegas Boulevard South
Suite 4300
Las Vegas, NV 89101-5803


An employee of Holley Driggs Walch
Fine Wray Puzey & Thompson